

REMARKS

By this amendment, Applicants have amended claims 1 and 14 to include the features of claim 10 that the catalyst support is a filter catalyst support, which has a porous filter mat as a first partial structure and a non-porous metal foil as a second partial structure. Support for this amendment can be found in originally filed claim 10. Claims 15 and 16 have been amended to make them consistent with claim 14.

Claim 2 has also been amended to remove the term “and/or” and replace it with “a combination thereof”. The amendments to the claims and specification add no new matter. Applicants respectfully request entry of the amendments and allowance of the pending claims.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claim 2 has been rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite for the term “and/or”. Applicants respectfully disagree with the Examiner and respectfully submit that the term is definite to one of ordinary skill in the art on reading the specification. However, solely to expedite prosecution and without acquiescing to the Examiner’s rejection, Applicants have removed the term “and/or” and replaced it with “a combination thereof.” Therefore, this rejection is now moot and Applicants request reconsideration and withdrawal of this rejection based on 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1-13 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,139,993 (Schmidt) in view of U.S. Patent No. 5,446,006 (Domesle). The Examiner also rejects claims 14-16 under 35 U.S.C. 103(a) as allegedly being unpatentable over Domesle in view of U.S. Patent No. 4,916,106 (Koschlig). Applicants respectfully traverse these rejections.

Applicants have amended claims 1 and 14 to include the features of claim 10 that the catalyst support is a filter catalyst support, which has a porous filter mat as a first partial structure and a non-porous metal foil as a second partial structure. Because claim 10 has not been rejected based on the combination of Domesle and Koschlig, Applicants respectfully submit that the rejection of claims 14-16 is now moot.

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With regard to claims 1-13 Applicants respectfully submit that none of the cited prior art references make obvious precoating of the catalyst wherein the catalyst support is a filter catalyst support, which has a porous filter mat as a first partial structure and a non-porous metal foil as a second partial structure. By precoating the catalyst support, Applicants prevent substantial blockage of the porous filter mat. This blockage will cause unwanted reduction in the filter effect and increase exhaust backpressure. Applicants respectfully submit that none of the cited prior art references make these features obvious.

A prior art reference cannot render an invention obvious if the reference teaches away from the claimed invention. *KSR International Co. v. Teleflex Inc.* 127 S. Ct. 1727, 1734. Schmidt discloses adding an organic filling agent to an aqueous dispersion and then *impregnating it into a carrier*.

A feature of the invention is to add an organic filling agent which can be melted, burned out and is insoluble in water into the carrier before the application of metal oxide film and catalytically active component. The organic filling agent is first prepared as a finely divided, highly dispersed dispersion in an aqueous system and is **impregnated into the carrier**.

(Schmidt at col. 2, lines 50-56, emphasis added). Clearly Schmidt discloses impregnation into the carrier and Applicants respectfully submit that Schmidt's impregnation is not Applicants' precoating as Schmidt's impregnation of the carrier would cause substantial blockage of the porous filter mat. This blockage will reduce the filter effect and increase exhaust backpressure. This is what Applicants are trying to prevent. Therefore, Schmidt teaches away from the present claims. Moreover, Schmidt says nothing about a filter catalyst support, which has a porous filter mat as a first partial structure and a non-porous metal foil as a second partial structure. Schmidt treats all supports the same, as he discloses impregnation of the support without regard to porosity. The Examiner concedes this point in her office action at page 2.

Domesle does not rectify this defect. The Examiner alleges that Domesle discloses a catalyst support with two partial structures having different absorptivity for the coating dispersion. Applicants respectfully submit that on a fair and accurate reading of Domesle, one of ordinary skill in the art would not conclude that Domesle discloses a catalyst support with two partial structures having different absorptivity for the coating dispersion. The catalyst support of Domesle is a metallic monolith that is frequently used as a catalyst support in the automotive arts

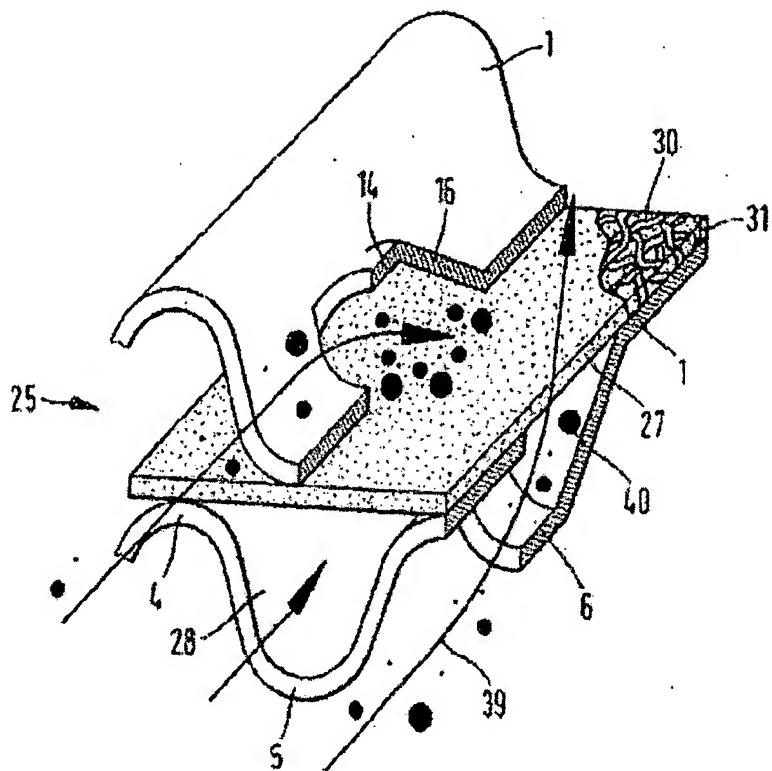
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instead of ceramic monoliths. Such a metal monolith has a homogeneous structure consisting of parallel flow channels for the exhaust gas formed by assembling correspondingly formed metal foils in a surrounding metallic jacket for reasons of mechanical stiffness. The complete support is formed from metallic sheets or foils, which have all the same absorptivity for the coating dispersion. Applicants respectfully submit that the Examiner has not cited any specific part of Domesle showing that the catalyst support of Domesle has two partial structures with different absorptivity. It appears that the Examiner seems to view the honeycomb structure with the parallel flow channels as equivalent to a porous structure and the surrounding metal jacket as the non-porous structure. Applicants respectfully submit that this is an improper reading of Domesle and one of ordinary skill in the art would not interpret Domesle in this way.

An example of a filter catalyst support, which has porous filter mat as a first partial structure and a non-porous metal foil as a second partial structure is shown in Figure 6 of DE 201 17 873 U1 (US 2004/0013580) mentioned in Applicants' specification page 1, line 21-22.

Figure 6 of US 2004/0013580 is reproduced below for the convenience of the Examiner.

FIG. 6



As you can see shown is a support structure comprising alternating metal foils (1) and a fiber layer (27) or filter mat. The metal foils have no porosity, while the filter mats do have a certain porosity to let the exhaust gas pass through and filter it. Domesle does not make obvious such support with two partial structures.

Applicants respectfully submit that even if one of ordinary skill in the art were to combine Schmidt with Domesle, they would not obtain the claimed methods and catalyst supports. Accordingly, Applicants respectfully submit that the claims cannot be considered obvious over any of the cited references alone or in combination and request that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

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Conclusion

Reconsideration and allowance are respectfully solicited

Applicants hereby request a three-month extension of time under 37 CFR 1.136(a) and authorizes the Patent Office to charge Kalow & Springut LLP's credit card for the required fee. No additional fee is believed to be due with respect to filing this amendment. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,

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